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C O N F I D E N T I A L BUENOS AIRES 000461

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DEPT. FOR L, S/CT, WHA/BSC, WHA/PPC
NSC FOR TOM SHANNON AND KIM BREIER
FBI FOR CTD/IRAN-HIZBALLAH UNIT FOR SSA ANDREW WILSON

E.O. 12958: DECL: 02/27/2015

TAGS: PTER PREL KCRM IR AR AMIA

SUBJECT: GOA REQUESTS USG ASSISTANCE REINSTATING INTERPOL
"RED NOTICES FOR CAPTURE" OF SUSPECTS IN 1994 AMIA
TERRORIST ATTACK

REF: 04 BUENOS AIRES 2540

Classified By: AMBASSADOR LINO GUTIERREZ FOR REASONS 1.4(B) AND (D)

¶1. (U) This is an action request. Please see paragraph 5.

¶2. (C) On February 28, Interior Minister Anibal Fernandez contacted Ambassador to request USG assistance in obtaining the reinstatement of the Interpol "Red Notices for Capture" for 12 Iranian suspects wanted for questioning by the GOA in connection with the 1994 terrorist bombing in Buenos Aires of the AMIA Jewish Community Center. Argentine Interpol Chief Luis Fuensalida is traveling to Lyon this week for meetings at Interpol and will be raising this issue. According to inquiries by LegAtt with the Washington, D.C.-based U.S. National Central Bureau (USNCB), the Red Notices were suspended on October 3, 2004, by the Interpol Secretary General's (SG) Office of Legal Affairs following the acquittal in the case here September 2, 2004, of 22 Argentine defendants accused of complicity in the bombing (reftel).

¶3. (C) Normally, the original requesting country is the party that asks that a Capture Order be amended or rescinded. In the September 2, 2004, acquittal judgement of the Argentine defendants, serious questions were raised by the Oral Tribunal concerning the investigation and actions of the original federal investigative judge, prosecutors and various Menem-era government officials. According to LegAtt inquiries with USNCB, these questions were cited by the Government of Iran in requesting that Interpol rescind the Capture Orders. Apparently, the SG felt that, given the summary opinion of the Oral Tribunal, there was enough merit in the Iranian request, and ordered the Red Notices be suspended for 30 days on October 3, 2004, pending investigation. This suspension has been subsequently extended on a month-by-month basis. (Note: apparently USNCB sent a request to the SG shortly after the Red Notices were suspended, questioning the reason for the suspension. To date, USNCB has received no response from the SG. End Note.)

¶4. (C) Comment: It is understandable that there could be some confusion regarding the status of the AMIA investigation/trial following the September 2004 acquittals of the Argentine defendants. The three-year trial focused almost exclusively on this "local connection," and, with the failure of the prosecution to prove this link, that aspect of the case has closed. The international connection and its investigation (however moribund its pursuit had been) still remain open, and the GOA is now very anxious to take up the trail again. The Interpol Red Notices are substantively and symbolically important, and the USG should be as supportive as possible. End Comment.

¶5. (C) Action Request: Post strongly recommends that Department coordinate with the USNCB to engage the Interpol Secretary General's office at the earliest opportunity to

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express the USG's strong support for Argentina's request that the Red Notices be reinstated.

¶6. (U) To see more Buenos Aires reporting, visit our classified website at:
<http://www.state.gov/p/wha/buenosaires>
GUTIERREZ